

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

United States of America
v.
JOHN NMI YANG (DOB: 08/XX/1988)

Case No. 20-M-757

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 23, 2020 in the county of Brown in the Eastern District of Wisconsin, the defendant(s) violated:

Code Section	Offense Description
Title 18, U.S.C., Sec. 924(c)(1)(A);	Possession of a firearm in furtherance of a drug trafficking crime;
Title 18, U.S.C., Sec. 922(g)(1);	Possession of a firearm by a felon;
Title 18, U.S.C., Sec. 922(k);	Possession of a firearm with an obliterated serial number;
Title 21, U.S.C., Sec. 841(a) and (b) (1)(B)	Possession with the intent to distribute methamphetamine, a Schedule II Controlled Substance.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.



Complainant's signature

P.O. Garth Russell

Printed name and title

Sworn via telephone; transmitted via email pursuant to Fed. R. Crim. 4.1

Date: 11/24/2020

City and state: Green Bay, Wisconsin



Judge's signature

Magistrate Judge James R. Sichel

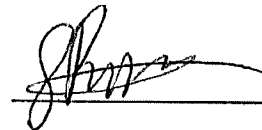
Printed name and title



I, Garth Russell, hereby depose and state as follows:

1. I am a Police Officer with the Green Bay Police Department, and have been since 2016. I am a sworn peace officer under the laws of the State of Wisconsin. From 2011 to 2013, I served as a military policeman in the United States Army.
2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses whom I believe to be truthful and reliable. This affidavit is intended to show merely that there is sufficient probable cause to believe that John Yang (DOB: 08/XX/1988) has violated federal law. This affidavit does not set forth all of my knowledge about this investigation.
3. On November 23, 2020, I was involved in the arrest of John Yang in a parking lot at 706 West Walnut Street in the City of Green Bay, State and Eastern District of Wisconsin. During the arrest of Yang, I assisted in the recovery of a Sterling Arms .22 caliber semi-automatic pistol which fell from Yang's waistband while he physically resisted the officers. This firearm was manufactured outside the State of Wisconsin and, therefore, travelled in interstate commerce to arrive in Green Bay, Wisconsin. I am aware that the serial number on this firearm is obliterated. This firearm was loaded with five .22 caliber rounds, with one round in the chamber when recovered.
4. I am aware that a search of Yang resulted in approximately 7 grams of a white, rock-like substance which later tested positive for the presence of methamphetamine using the Marquis and Methamphetamine/MDA Reagent tests. This methamphetamine, a Schedule II controlled substance, was recovered from a front pocket of the defendant's pants. In my experience, 7 grams of methamphetamine is inconsistent with personal use and more consistent with a distribution level of drugs. I am further aware that a black digital scale with a white, powdery residue on the plate was recovered from a black zip pouch with gray stripes recovered from Yang's person. Multiple gem baggies were also located within this pouch.
5. Based on my training and experience, the recovery of a loaded firearm, 7 grams of methamphetamine, a digital scale, and gem bags from a person is indicative of that individual being actively involved in the sale or distribution of controlled substances. A firearm is considered a "tool of the trade" for those dealing controlled substances, as it allows these individuals to protect their drug supply, currency, and themselves.
6. Wisconsin Circuit Court Access Program (CCAP) records reflect that John Yang was convicted in Brown County Circuit Court case number 2017CF001621 of the felony offense of Possession with the Intent to Distribute Amphetamine (>3-10g) on July 20, 2018, for which he received a prison sentence in excess of one year. As such, John Yang is prohibited from possessing a firearm under state and federal law.
7. Based on the aforementioned facts, there is probable cause to believe that, in the State and Eastern District of Wisconsin, John Yang violated Title 18, United States Code, Section 924(c)(1)(A), Possession of a Firearm in Furtherance of a Drug Trafficking Crime; Title 18, United States Code, Section 922(g)(1), Possession of a Firearm by a Felon; Title 18, United States Code, Section 922(k), Possession of a Firearm with an Obliterated Serial Number; and Title 21 United States Code, Sections 841(a)(1) and 841(b)(1)(B), possession with intent to distribute methamphetamine, a schedule II controlled substance.

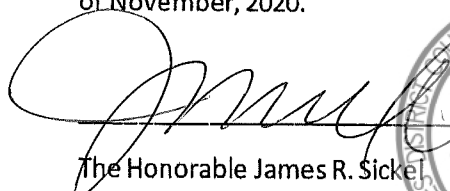
20-m-757

 2:39 P.M.

Police Officer Garth Russell

Green Bay Police Department

*Via Telephone
Present to Fed A. Court
4.1*
Subscribed and sworn before me this 24th day
of November, 2020.


The Honorable James R. Sichel
United States Magistrate Judge

